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DEC 19 2006

Attorney's Docket: 2002FR302  
Serial No.: 10/523,734  
Group: 1621REMARKS

The Office Action mailed October 6, 2006, has been carefully considered. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-29 are pending in this Application. By this Amendment, Applicants have amended claim 15 and cancelled claims 27-29.

Allowable Subject Matter

Claims 1-4 and 17-26 are allowed.

Specification

The disclosure stands objected as the Office states that "the parentage of the application does not appear on the first page immediately after the title."

Applicants have amended to the Specification, making reference to the PCT application from which this Application claims priority.

Claim Rejections Under 35 USC § 102

Claims 15, 16, 27 and 28 stand rejected under 35 USC § 102(b) as being anticipated by "applicant's own admission in the specification (page 10, line 24) that these compounds are known." This rejection is respectfully overcome.

To begin, claims 27 and 28 have been cancelled thereby making this rejection with respect to such claims moot.

Applicants have amended claim 15 to recite a compound claim without reference to the process. Concerning the Office's position that Applicants' admit in its specification that these compounds are known, Applicants can not agree. An

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examination of page 10, line 24 of the Specification discloses only methods for the quaternization of a nitrogen. Specifically, such paragraph states:

Under preferred conditions for the implementation of the process described above, the reaction of the compound of formula (III) or of formula (IIIa) with an agent for the quaternization of a nitrogen is carried out by application or adaptation of the methods described in the literature...

The Office has put forward no piece of prior art that discloses the compound of formula (IIa) as recited in now independent claim 15. For this reason, it is respectfully submitted that such claim, as now written, and all claims depending there from, are not anticipated nor made obvious by Applicants' specification or the prior art of record.

Claim 29 stands rejected under 35 U.S.C. § 102(b) as being anticipated. Claim 29 has been cancelled.

In view of the foregoing, it is respectfully contended that the 35 USC § 102 rejections have been traversed. Consequently, Applicants courteously solicit reconsideration and withdrawal of the rejections.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.